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EXAMINER

MIAN, OMER S

ART UNIT

PAPER NUMBER

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NOTIFICATION DATE

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ELECTRONIC

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Continuation of 11. does NOT place the application in condition for allowance because:

Claims 1-2, 6, 8-10 and 21:

Response to First Argument

Applicant argues, "First, the Office Action impermissibly uses claim 1 as a blueprint to reconstruct claim 1. "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to duplicate the claimed invention." In *re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988). The system described in *Schrader* does not include *non-cyclic* data communications. Plus, neither *Schrader*, nor ATTAR discloses a system for controlling/monitoring an *industrial plant*. Therefore, even assuming that the combination of SA meets all of the limitations except those allegedly disclosed in AAPA, it would not be obvious to control an industrial plant with the SA system. As acknowledge in the background section of this application (AAPA), large-scale industrial applications have different operational characteristics than conventional applications (e.g., those described in SA)." (Applicant's Response 3/16/2011, Pages 2-3)

Examiner respectfully disagrees with the applicant's argument. Applicant argues that the combination of SCHRADER, ATTAR and AAPA is not a permissible combination. Examiner has brought the teachings of prior art admitted by the Applicant,

only to show the use of a controller controlling the plant operation and that it would be obvious to use a communication system to control the operation as it provides a remote access to the plan in potentially hazardous situations threatening to human beings. This use is, as evident from the AAPA, obvious to one of ordinary skill in the art at the time of the invention. There is no reconstruction by picking and choosing isolated disclosures as the AAPA quite explicitly pertains to a communication system which the prior combination SCHRADER and ATTAR pertains to as well.

Response to Second Argument

Applicant argues, "Second, even if one were to combine the references, the result would not be the claimed invention. The combination of Schrader and ATTAR does not disclose assigning the set of communication stations, the time-synchronous communication, the non-cycle data communication and the cycle data communication to each of the time slots, as recited in claim 1. For example, even if ATTAR does describe a form of non-cycle data communication in paragraph [0062] (please confirm), it doesn't necessarily follow that the combination of references (SA) would assign this type of information along with the other information to each of the time slots. To do so, the Schrader system would have to be redesigned." (Applicant's Response 3/16/2011, Page 3)

Examiner respectfully disagrees with the applicant's argument. Applicant argues that the combination of SCHRADER and ATTAR does not disclose that assigning the set of communication stations, the time-synchronous communication, the non-cyclic data communication and the cycle data communication to the time slots. To support this

argument, Applicant takes a position that SCHRADER would need to be “redesigned”. Examiner points out that according to the cited Fig. 1b and its description in SCHRADER ¶¶23-25, it is disclosed that a plurality of stations are assigned time-slots. Among these stations, at least some stations perform cyclic-communication and time synchronous communication, and some perform time synchronous communication (for example, station A, where the all the cycles are given to stations A making it irrespective of the cycles). SCHRADER does not disclose that a station assigned to a timeslot performs non-cyclic communication. However, non-cyclic communication is commonly performed by communication stations in the art at the time of the invention. This is evident from ATTAR's ¶62, where a station is performing non-cyclic communication. A person of ordinary skill in the art would interpret it obvious to use a station with the ability to perform non-cyclic communication where the sender requires explicit notification and confirmation of delivery of the information in order to verify the reliability of the system. Introducing a new station with additional capabilities would not require SCHRADER to redesign the invention.

Response to Third Argument

Applicant argues, “Third, in the Office Action, the Examiner asserts the claimed timer section and time- synchronous communication section are disclosed in Fig. 3 and paragraphs [0020], [0029] of Schrader. Further, the Examiner asserts that Fig. 1a and paragraphs [0020]-[0021] and [0027] of Schrader teach that when the time-synchronous communication section transmits a time- synchronous communication frame to each communication station, time of the timer section of each communication and the time

slots of all communication stations are synchronized. However, Applicants disagree with the above assertions for at least the following reasons.” (Applicant’s Response 3/16/2011, Page 3)

Examiner respectfully disagrees with the applicant's argument. Applicant argues that the combination of SCHRADER and ATTAR does not disclose timer section and time-synchronous communication section. To support this argument, Applicant takes a position that SCHRADER simply discloses transmitting of a synchronization message. Examiner points out the cited paragraphs disclose the communication stations. These stations include timers as disclosed at various occasions in SCHRADER (e.g. ¶11, ¶12). This would be reasonably interpreted as timer sections of the stations. Further, since there are standard and master synchronization messages (e.g. in ¶27, ¶12, and ¶20-21), it is inherent that there is a synchronization section in the station which synchronizes, using the messages, at least the time at which the time-slot begins. This would be reasonably interpreted by one of ordinary skill in the art as time section.

Response to Fourth Argument

Applicant argues, “Fourth, in ATTAR, a data structure of the time slot is set as shown in Fig.2. Whereas, in the presently claimed invention, the time-division multiplex communication section is configured to perform communication within the time slot. For example, while the presently claimed invention describes performing communication within the time slot as shown in Fig. 8, ATTAR does not describe performing communication within the time slot. As described above. ATTAR merely describes a data structure of the time slot. Furthermore, as is clear from the disclosure of ATTAR,

the concept of the time slot in ATTAR is different from the concept of the time slot defined in the present invention.” (Applicant’s Response 3/16/2011, Page 4)

Examiner respectfully disagrees with the applicant's argument. Applicant argues that the combination of SCHRADER and ATTAR does not disclose, “performing communication within time slot”. Examiner points out the cited paragraphs disclose communication within a time slot. Fig. 1 b and ¶23-24 and ¶21, discloses time-slots within which the data communication is performed. This limitation as evident by the prior art, is neither novel nor is non-obvious. It is clearly disclosed in the cited prior art.

Response to Fifth Argument

Applicant argues, “Fifth, ATTAR describes timing synchronization of the access points and access terminals in paragraphs [0098] and [135]. Namely, ATTAR fails to disclose time synchronization, a required by claim 1. Although ATTAR does not describe how the timing synchronization is achieved, in general, the timing synchronization can be achieved by introducing a synchronization code in a communication signal. Meanwhile, regarding the time synchronization, it is necessary to send time data in order to achieve the time synchronization.” (Applicant’s Response 3/16/2011, Page 4)

Examiner respectfully disagrees with the applicant's argument. Applicant argues that the combination of SCHRADER and ATTAR does not disclose, “performing communication within time slot”. Examiner points out the cited paragraphs disclose the time synchronization. Since there are standard and master synchronization messages

Art Unit: 2461

(e.g. in ¶27, ¶12, and ¶20-21), which synchronize the timeslots in a time domain it would be reasonably interpreted by one of ordinary skill in the art as time synchronization.

The remaining arguments are based on the above addressed arguments and, therefore, are duly addressed.

/O. M./

Examiner, Art Unit 2461

/Huy D Vu/

Supervisory Patent Examiner, Art Unit 2461